

## REMARKS

The present amendment is prepared in accordance with the new revised requirements of 37 C.F.R. § 1.121. A complete listing of all the claims in the application is shown above showing the status of each claim. For current amendments, inserted material is underlined and deleted material has a line therethrough.

Applicants appreciate the thoroughness with which the Examiner has examined the above-identified application. Reconsideration is requested in view of the amendments above and the remarks below.

Claims 1, 14, 29 and 30 have been amended.

No new matter has been added.

### Specification

Applicants have amended paragraph 0001 of the specification to contain the current information for the corresponding U.S. Patents and patent applications of the foregoing application.

No new matter has been added.

### Claim Rejections - 35 USC § 101

#### ***Claims 1-30***

The Examiner has rejected claims 1-30 under 35 U.S.C. 101 stating that the claimed invention lacks patentable utility. In particular, the Examiner states that claims 1, 14, 29 and 30, and the claims dependent thereon, are directed to non-statutory subject matter since the claim language is such that a reasonable interpretation of the claims would not result in any useful, concrete or tangible product.

Applicants have amended claims 1, 14, 29 and 30 to recite that the method includes performing model-based optical proximity correction for the useful result of correcting for distortions on a photomask. Support is found in the specification at least at page 11, lines 10-12. No new matter has been added.

Since the claims recite a concrete, useful and tangible result of correcting for distortions on a photomask by performing model-based optical proximity correction, applicants submit that the rejection of claims 1-30 based on Section 101 is now obviated.

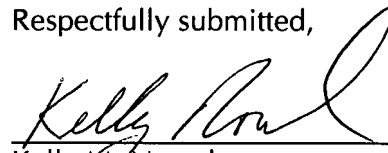
### ***Claims 29 and 30***

The Examiner has also rejected claims 29 and 30 under 35 U.S.C. 101 on the grounds of non-statutory subject matter. Applicants disagree and traverse this rejection.

It is respectfully submitted that the preamble of "program storage device readable by a machine" is used in each of these rejected claims, and it is submitted that this identifies a "product" that is a tangible, statutory, "article of manufacture." This is substantially the same language "program storage device readable by a machine" language accepted by the Commissioner in *In re Beauregard* 53 F3d 1583 (Fed. Cir. 1995), and as supported in the USPTO's *Examination Guidelines for Computer-Related Inventions*. It is submitted that the "program storage device" is an article of manufacture that is "readable by a machine," which addresses the Examiner's concern of a "computer-readable medium", and as such are directed to statutory subject matter.

It is respectfully submitted that the application has now been brought into a condition where allowance of the entire case is proper. Reconsideration and issuance of a notice of allowance are respectfully solicited.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 2231301450.

Name: Kelly M Nowak Date: June 6, 2007

Signature: 